

PATENT

ATTORNEY DOCKET: D1815-00060. *DPW* *no Fee*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application of: John Porter

Confirmation No: 4269

Serial No.: 10/731,767

Group Art Unit: 1771

Filed: December 9, 2003

Examiner: Not yet assigned

For: Breathable, Waterproofing, Tear-resistant Fabric

I CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED  
WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN  
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BY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER**

Enclosed herewith is an Information Disclosure Statement pursuant to 37 CFR. § 1.56 in connection with the above-identified application, which statement is being filed:

☐ Together with the present application.

☒ Before the first Office Action on the merits or three (3) months from the filing date of this application, whichever occurs last. [37 CFR § 1.97(b)]

☐ After the first Office Action on the merits, but before a Final Office Action under §1.113 or Notice of Allowance under §1.311, whichever occurs first. [37 CFR §1.97(c)]. (Either the fee or certification is provided, as set forth below).

☐ After a Final Office Action under §1.113 or Notice of Allowance under §1.311, but prior to or with payment of the Issue Fee. [37 CFR §1.97(d)]. The fee and certification are provided, as set forth below).

Consistent with Applicant's obligations pursuant to 37 CFR §§1.97 and 1.98, the following requirements have been met:

☒ No separate requirements are needed.

☒ No additional fee is required.

**Fee Under 37 CFR § 1.97(c) or 1.97(d)**

☐ The fee of \$180.00 for submission of an IDS under § 1.97(c) as set forth in § 1.17(p) accompanies this statement.

**Certification Under 37 CFR § 1.97(e)**

The undersigned certifies:

☐ 1 that each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ 2 that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

**Provision of Copies of References**

☒ A copy of each of the references listed on the attached Form PTO-1449 is enclosed herewith and forms a part hereof.

☐ Copies of cited U.S. patents and U.S. application publications are not required for IDS submissions filed in U.S. applications filed after June 30, 2003.

☐ A translation of Reference \_\_\_\_\_ is enclosed herewith and forms a part hereof.

☐ A copy of the European Search Report from a corresponding or related EPO application is enclosed herewith.

☐ A copy of the International Search Report from a corresponding or related PCT application is enclosed herewith.

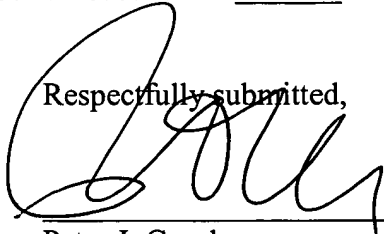
**Identification of Prior Application(s) In Which Listed Information Was Already Cited And For Which No Copies Are Submitted Or Need Be Submitted**

☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior U.S. Application No(s). , filed . The following references were submitted to, and/or cited by, the Office in the prior application(s) and therefore are not required to be provided in this application:

The Commissioner is hereby authorized to charge any fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679.

Date: 7.7.04

Respectfully submitted,

  
Peter J. Cronk  
Registration No. 32,021

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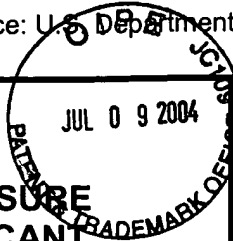
Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

JUL 09 2004

ATTY. DOCKET NO.  
D1815-00060APPLICATION NO.  
10/731,767FIRST NAMED APPLICANT  
John PorterEXAMINER  
Not yet assignedFILING DATE  
Dec 9, 2003GROUP  
1771**U.S. PATENT DOCUMENTS**

EXAMINER INITIALS	Cite No.	DOCUMENT NUMBER	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	A	5,208,313	Krishnan	05/04/1993	
	B	5,869,408	Porter et al.	02/09/1999	

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIALS	Cite No.	Office	DOCUMENT NUMBER	COUNTRY	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T

**OTHER DOCUMENTS**

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.	T
	C	Obermeyer, trade literature, 2/10/2004, pages 1-2	
	D	The North Face Footwear, trade literature, 2/10/2004, pages 1-5	
	E	Tyvek, trade literature, 2/10/2004, pages 1-3	
	F	News from Orvis, trade literature, 2/10/2004, pages 1-8	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.